

REMARKS

Claims 1-44 are pending in the present application. On March 1, 2005, a provisional election was made in response to a Restriction Requirement. The election was made without traverse to prosecute the invention of Group I, claims 1-24 and 38-44. Applicant herein affirms the foregoing election of claims.

In the Office action dated March 16, 2005, the Examiner rejected claims 1-14, 16-42 and claim 44 under 35 U.S.C. §102(b) as anticipated by U.S. Patent No. 5,160,771 to Lambing, *et al.* ("Lambing"). The Examiner also rejected claims 15 and 43 under 35 U.S.C. §103(a) as unpatentable over the Lambing reference. Applicants disagree with the stated grounds of rejection and desire to further clarify various distinctions of the applicant's invention over the cited art. Reconsideration of the present application is therefore requested in light of the present amendment and following remarks.

The disclosed embodiments of the invention may be discussed in comparison to the prior art. It is understood, however, that the discussion of the disclosed embodiments, as well as the discussion of the differences between the disclosed embodiments of the present invention and the prior art do not define the scope or interpretation of any of the claims. Instead, such discussed differences, when presented, are offered merely to help the Examiner appreciate important claim distinctions as they are discussed.

The Examiner has cited the Lambing reference as pertinent to the patentability of claims in the present application. Lambing discloses a metal-polymer-metal laminate structure that includes adjacent laminate sections arranged in a staggered relationship. Briefly, and in general terms, the disclosed staggered relationship includes end portions of a metal layer in first laminate section are opposed to respective end portions of a polymer layer. Correspondingly, end portions of a polymer layer in a second laminate section are opposed to respective end portions of a metal layer.

Referring now to Figure 3 of the Lambing reference, the staggered relationship between the polymer layers and the metal layers will be described further. A fiber reinforced first polymer layer 20 abuts a second metal sheet 35 at respective edges, and is also adjacent to a second metal layer 15. A first polymer layer 40 abuts the second metal layer 15, and is adjacent to the second metal sheet 35. The pair of staggered layers are positioned between metal layers 11 and 31. Accordingly, the disclosed structure includes staggered layers are adjacent to, at most, a non-interrupted metal layer portion of the structure. The Lambing reference does not disclose, or even suggest interposing a non-interrupted fiber-reinforced polymer layer between the staggered layers. Although the Examiner also refers to the structures shown in Figures 6 and 9 of the Lambing reference, applicants note that substantially the same structure as shown in Figure 3 is shown in Figures 6 and 9.

Turning now to the claims, differences between the claim language and the applied art will be specifically pointed out. Claim 1, as amended, recites in pertinent part, “A laminate structure...including...a first layer having...a first portion of a non-metallic material, the first portion at least partially encompassing a cutout region; a second portion of a metallic material formed within the cutout region, the second portion abutting the first portion...and...*a second layer adjacent the first layer that non-interruptably extends along the first layer, the second layer being formed from a polymeric material.*” (Emphasis added). The Lambing reference does not disclose a second layer formed from a polymeric material that non-interruptably extends along a first layer that includes both metal and polymeric portion. At most, Lambing discloses a metal layer that extends non-interruptably along an exterior portion of the disclosed structure. Claim 1 is therefore allowable over the Lambing reference. Claims depending from claim 1 are also allowable based upon the allowability of the base claim and further in view of the additional limitations recited in the dependent claims.

Claim 10, as amended, recites in pertinent part, “A laminate structure...including...a metal-polymer lamina, the metal-polymer lamina having a first face and a second face spaced

apart from the first face, extending to a terminal edge, the lamina including a ply of fiber-reinforced polymer extending between the first face and the second face and having at least one interior edge, the interior edge defining at least one cutout...a ply of metal foil extending between the first face and the second face substantially from the interior edge to fill the at least one cutout...and...*a polymer lamina adjacent the metal-polymer lamina, the polymer lamina having a third face and a fourth face spaced apart from the third face, the polymer lamina including a ply of fiber-reinforced polymer that extends between the third face and the fourth face and extends non-interruptably along the metal-polymer lamina and substantially to the terminal edge.*" (Emphasis added). Again, Lambing simply does not disclose this. Instead, Lambing discloses a metal layer continuously and non-interruptably applied to exterior surfaces of the disclosed structure. Accordingly, Claim 10 is now also allowable over the Lambing reference. Claims depending from claim 10 are also allowable based upon the allowability of the base claim and further in view of the additional limitations recited in the dependent claims.

Claim 38, as amended, recites in pertinent part: "A laminate structure including a metal-polymer lamina, the metal-polymer lamina having a first face and a second face spaced apart from the first face, extending to a terminal edge, the lamina including...a ply of fiber-reinforced polymer extending between the first face and the second face and having an interior edge, the interior edge defining at least one cutout...and...a ply of metal foil extending between the first face and the second face substantially from the interior edge to fill the at least one cutout...a fiber-reinforced polymer lamina, the polymer lamina having a third face and a fourth face spaced apart, extending to the terminal edge, the lamina including...*a ply of fiber-reinforced polymer extending non-interruptably along the metal-polymer lamina and substantially to the terminal edge...*". (Emphasis added). Yet again, Lambing does not disclose this. Therefore, claim 38 is allowable over the Lambing reference. Claims depending from claim 38 are also allowable based upon the allowability of the base claim and further in view of the additional limitations

recited in the dependent claims. Additionally, claims 39 through 44 are amended to provide the proper dependency on claim 38.

With reference now to the Examiner's rejection of claims 15 and 43 under 35 U.S.C. §103(a), applicants respectfully assert that the foregoing amendments fully address this rejection as well.

All claims are now in condition for allowance. A Notice of Allowance is therefore earnestly requested.

Respectfully submitted,

BLACK LOWE & GRAHAM^{PLLC}



Steven H. Arterberry
Registration No.: 46,314
Direct Dial: 206.957.2483

MAIL CERTIFICATE

I hereby certify that this communication is being deposited with the United States Postal Service via first class mail under 37 C.F.R. § 1.08 on the date indicated below addressed to: MAIL STOP AMENDMENT, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

June 28, 2005
Date of Deposit

Wendy Saxby
Wendy Saxby


46020

CUSTOMER NUMBER

- 17 -

BING-1-1030ROA

BLACK LOWE & GRAHAM^{PLLC}


701 Fifth Avenue, Suite 4800
Seattle, Washington 98104
206.381.3300 • F: 206.381.3301